



March 30, 2005

ENGROSSED SENATE BILL No. 279

DIGEST OF SB 279 (Updated March 29, 2005 11:40 am - DI 69)

Citations Affected: IC 5-11; IC 13-11; IC 13-19; IC 13-20; IC 13-21; noncode.

Synopsis: Various environmental matters. Extends the period in which a solid waste management district that owns its own landfill must file a report with the state board of accounts. Exempts a district from the requirement that the fiscal body of a county in which a district is located must approve the use of certain property tax revenue within the district if the district: (1) owns a landfill; (2) will use property tax revenue to construct a new landfill cell or close a landfill cell at the landfill; and (3) has received approval from the county fiscal body to construct or close the landfill cell. Provides that good character requirements apply only to an application for the issuance, transfer, or
(Continued next page)

Effective: January 1, 2005 (retroactive); July 1, 2005.

Gard

(HOUSE SPONSOR — WOLKINS)

January 6, 2005, read first time and referred to Committee on Energy and Environmental Affairs.

February 22, 2005, amended, reported favorably — Do Pass.

February 28, 2005, read second time, amended, ordered engrossed.

March 1, 2005, engrossed. Read third time, passed. Yeas 45, nays 3.

HOUSE ACTION

March 14, 2005, read first time and referred to Committee on Environmental Affairs.

March 29, 2005, amended, reported — Do Pass.

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major modification of a permit for a solid waste processing facility, solid waste disposal facility, or hazardous waste facility. Excepts from the requirements certain entities that already hold permits, but limits the exception in certain cases where ownership interests change. Expands the definition of solid waste processing facility. With respect to requirements to demonstrate local or regional need for applications for permits for certain solid waste facilities, excepts certain limited liability companies from the requirements and applies the requirements to solid waste disposal facilities instead of solid waste management facilities. Requires certain solid waste landfills that only accept construction\demolition waste to comply with setback requirements concerning public schools established by the solid waste management board for municipal solid waste landfills. Repeals certain requirements concerning the submission of disclosure statements by solid waste operators and responsible parties, and the posting of surety bonds by nonresident operators.

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March 30, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 279

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-11-1-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state examiner shall
3 require from every municipality and every state or local governmental
4 unit, entity, or instrumentality financial reports covering the full period
5 of each fiscal year. Except as provided by subsection (b), these reports
6 shall be prepared, verified, and filed with the state examiner ~~within not~~
7 **later than** thirty (30) days after the close of each fiscal year.

8 (b) The following shall prepare, verify, and file the reports required
9 under subsection (a) not later than sixty (60) days after the ~~end~~ close of
10 each **fiscal** year:

11 (1) A municipal government.

12 (2) A public library.

13 (3) **A district (as defined in IC 13-11-2-58(a)) that owns a**
14 **landfill (as defined in IC 13-11-2-116(c)).**

15 SECTION 2. IC 13-11-2-8 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) "Applicant", for
17 purposes of IC 13-19-4, means an individual, a corporation, a limited

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liability company, a partnership, or a business association that:

(1) receives, for commercial purposes, solid or hazardous waste generated offsite for storage, treatment, processing, or disposal; and

(2) applies for the issuance, ~~renewal~~, transfer, or major modification of a permit described in IC 13-15-1-3 other than a post-closure permit or an emergency permit.

(b) "Applicant", for purposes of IC 13-20-2, means an individual, a corporation, a limited liability company, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(c) For purposes of subsection (a), "applicant" does not include an individual, a corporation, a limited liability company, a partnership, or a business association that:

(1) generates solid or hazardous waste; and

(2) stores, treats, processes, or disposes of the solid or hazardous waste at a site that is:

(A) owned by the individual, corporation, partnership, or business association; and

(B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association.

SECTION 3. IC 13-11-2-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:

Sec. 41. (a) "Construction\demolition waste", for purposes of **IC 13-19-3-9** and IC 13-20-21, means:

(1) bricks;

(2) concrete;

(3) stone;

(4) glass;

(5) wallboard;

(6) lumber;

(7) roofing materials; and

(8) any other items;

affixed to a structure that is being constructed or demolished and being disposed of at a waste disposal facility.

(b) The term includes the following:

(1) Plumbing fixtures.

(2) Wiring.

(3) Nonasbestos insulation.

(4) Other items approved by the department.

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SECTION 4. IC 13-11-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 206. "Solid waste disposal facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4**, IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

SECTION 5. IC 13-11-2-212 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 212. (a) "Solid waste processing facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4**, **IC 13-20-1**, IC 13-20-4, and IC 13-20-6, means a facility at which at least one (1) of the following is located:

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility.
- (7) A garbage grinding system.
- (8) A medical or an infectious waste treatment facility.**
- (9) A solid waste solidification facility that is not located on a landfill.**
- (10) A facility that uses plasma arc or another source of heat to treat solid waste.**

(b) The term does not include a facility or operation that generates solid waste.

SECTION 6. IC 13-19-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 9. (a) This section does not apply to an expansion of a solid waste landfill:**

- (1) that only accepts construction\demolition waste; and**
- (2) for which a construction\demolition waste permit was issued before January 1, 2005.**

(b) A solid waste landfill that only accepts construction\demolition waste shall comply with setback requirements concerning public schools established by the board under 329 IAC 10-16-11 for municipal solid waste landfills.

SECTION 7. IC 13-19-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) Except as provided in section 8(e) of this chapter**, this chapter does not apply to:

- (1) an applicant for a transfer stations station permit that holds**

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1 a permit for and continuously operates; or
 2 (2) the transfer of a permit for a transfer station to an
 3 applicant that holds a permit for and is operating;
 4 a transfer station, solid waste disposal facility, or hazardous waste
 5 facility in Indiana after December 31, 2004.

6 (b) Except as provided in section 8(e) of this chapter, this
 7 chapter does not apply to:

8 (1) an applicant for the renewal of a permit for a solid waste
 9 disposal facility or hazardous waste facility that holds a
 10 permit for and continuously operates; or
 11 (2) the transfer of a permit for a solid waste disposal facility
 12 to an applicant that holds a permit for and is operating;
 13 a solid waste disposal facility or hazardous waste facility in Indiana
 14 after December 31, 2004.

15 SECTION 8. IC 13-19-4-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Before an
 17 application for the issuance, ~~renewal~~, transfer, or major modification
 18 of a permit ~~described in IC 13-15-1-3~~ for a solid waste processing
 19 facility, solid waste disposal facility, or hazardous waste facility
 20 may be granted, the applicant and each person who is a responsible
 21 party with respect to the applicant must submit to the department:

22 (1) a disclosure statement that:

23 (A) meets the requirements set forth in section 3(a) of this
 24 chapter; and

25 (B) is executed under section 3(b) of this chapter; or

26 (2) all of the following information:

27 (A) The information concerning legal proceedings that:

28 (i) is required under Section 13 or 15(d) of the federal
 29 Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);
 30 and

31 (ii) the applicant or responsible party has reported under
 32 form 10-K.

33 (B) A description of all judgments that:

34 (i) have been entered against the applicant or responsible
 35 party in a proceeding described in section 3(a)(3) of this
 36 chapter; and

37 (ii) have imposed upon the applicant or responsible party a
 38 fine or penalty described in section 3(a)(3)(A) of this
 39 chapter.

40 (C) A description of all judgments of conviction entered
 41 against the applicant or responsible party within five (5) years
 42 before the date of submission of the application for the

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1 violation of any state or federal environmental protection law.
 2 SECTION 9. IC 13-19-4-8 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section does
 4 not apply to the transfer of ownership of a facility from a permittee
 5 whose business derives less than fifty percent (50%) of its gross
 6 revenue from the management of solid waste to a prospective owner
 7 whose business derives less than fifty percent (50%) of its gross
 8 revenue from the management of solid waste.

9 (b) If there is a prospective change of **the entire ownership interest**
 10 in a facility for which a permit described in IC 13-15-1-3 is required,
 11 the prospective owner, at least one hundred eighty (180) days before
 12 the proposed change in ownership, **may shall** submit to the
 13 commissioner a disclosure statement that:

14 (1) includes the information required by section 3(a) of this
 15 chapter; and

16 (2) was executed under section 3(b) of this chapter.

17 (c) The commissioner:

18 (1) shall review the disclosure statement **submitted under**
 19 **subsection (b);** and

20 (2) may investigate and verify the information set forth in the
 21 disclosure statement.

22 (d) If the commissioner determines that:

23 (1) the information disclosed by the disclosure statement
 24 **submitted under subsection (b);** and

25 (2) any investigation by the commissioner;

26 would require the commissioner to deny the prospective owner's permit
 27 application if the prospective owner were applying for a permit under
 28 section 2 of this chapter, the commissioner shall disapprove the transfer
 29 of ownership of the facility to the prospective owner.

30 (e) **If:**

31 (1) **subsection (b) does not apply; and**

32 (2) **there is a change of at least fifty percent (50%) ownership**
 33 **control of an entity that holds a permit described in**
 34 **IC 13-15-1-3, including an entity referred to in section 1 of**
 35 **this chapter (other than an entity referred to in subsection**
 36 **(a));**

37 **the entity must, not later than thirty (30) days after the change of**
 38 **ownership control is completed, submit to the department the**
 39 **disclosure statement referred to in subsection (b).**

40 (f) The commissioner:

41 (1) shall review the disclosure statement submitted under
 42 subsection (e); and

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(2) may investigate and verify the information set forth in the disclosure statement.

(g) If the commissioner determines:

(1) that:

(A) the information disclosed by the disclosure statement submitted under subsection (e); and

(B) any investigation by the commissioner;

would require the commissioner to deny an application for a permit described in IC 13-15-1-3 if the entity that submits the disclosure statement were applying for a permit under section 2 of this chapter; or

(2) an entity failed to submit to the department a timely disclosure statement under subsection (e);

the commissioner shall revoke any permit described in IC 13-15-1-3 held by the entity.

SECTION 10. IC 13-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, a **limited liability company**, or a business association that in its regular business activity:

(1) produces solid waste as a byproduct of or incidental to its regular business activity; ~~and~~

(2) disposes of the solid waste at a site that is:

(A) owned by the individual, corporation, partnership, **limited liability company**, or business association; and

(B) limited to use by that individual, corporation, partnership, **limited liability company**, or business association for the disposal of solid waste produced by:

(i) that individual, corporation, partnership, **limited liability company**, or business association; or

(ii) a subsidiary of an entity referred to in item (i).

SECTION 11. IC 13-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person that applies for a permit ~~described in IC 13-15-1-3 that concerns a solid waste management facility~~ **for a solid waste disposal facility or a solid waste processing facility, except a transfer station**, must demonstrate that there is a local or regional need in Indiana for the facility.

SECTION 12. IC 13-20-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A person that applies for a permit referred to in section 2 of this chapter must submit the following information to the department along with the permit application:

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(1) A description of the area that would be served by the solid waste ~~management~~ **disposal** facility.

(2) A description of existing solid waste management facilities in the area that would be served by the solid waste ~~management~~ **disposal** facility.

(3) A description of the need that would be fulfilled by constructing the solid waste ~~management~~ **disposal** facility.

SECTION 13. IC 13-20-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If the department determines that there is not a local or regional need in Indiana for the solid waste ~~management~~ **disposal** facility, the person referred to in section 2 of this chapter may not receive a permit described under IC 13-15-1-3 of this chapter. If a permit is denied under this ~~subsection,~~ **section,** the department must provide the person referred to in section 2 of this chapter with a statement describing the reasons the department denied the permit.

SECTION 14. IC 13-20-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(c) A manifest required under subsection (b) must include the following information:

(1) The amount in tons of municipal waste transported in the vehicle.

(2) The name and address of the solid waste processing facility from which the municipal waste is transported.

(3) The destination of the municipal waste.

(4) The name of the person transporting the municipal waste.

(5) If the municipal waste is transported from a transfer station that receives municipal waste, the identity of and acknowledgement number issued by the department under ~~IC 13-20-6-5 or IC 13-7-10.5-14 (before its repeal)~~ to the following:

(A) The transporter of the municipal waste.

(B) The transfer station from which the municipal waste is transported.

(C) A broker involved in the transportation of the municipal waste.

(d) The owner or operator of the solid waste processing facility from

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which municipal waste is to be transported shall:

- (1) prepare the manifest required by subsection (b); and
- (2) deliver the manifest to the operator of the vehicle.

(e) The operator of the vehicle shall:

- (1) carry the manifest while transporting the municipal waste; and
- (2) present the manifest to the owner or operator of the facility to which the municipal waste is transported.

(f) The owner or operator of the facility to which the municipal waste is transported shall:

- (1) retain each manifest for one (1) year; and
- (2) send one (1) copy of each manifest to the department not later than three (3) months after receiving a manifest for at least one (1) year.

SECTION 15. IC 13-20-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The commissioner may, by order, do the following:

- (1) Suspend the waste transfer activities of an operator who is not a resident of Indiana if the operator is not properly licensed, certified, or permitted to conduct waste transfer activities in another state in which the operator does business.
- (2) Suspend the waste transfer activities of a transfer station that does not meet the requirements of the inspection program established under section 7 of this chapter.

(b) An order issued by the commissioner under this section requiring an operator or transfer station to suspend operations must contain the date by which waste transfer activities must be suspended.

(c) After issuing an order requiring an operator or transfer station to suspend waste transfer activities but before the date by which the activities must be suspended, the department must provide notice by certified mail, return receipt requested, to the following:

- (1) Each regulated solid waste processing facility in Indiana.
- (2) Each regulated solid waste disposal facility in Indiana.
- ~~(3) Each broker and transporter that has submitted a disclosure statement under section 2 of this chapter.~~

(d) The notice described under subsection (c) must contain the following:

- (1) The name of the operator or transfer station subject to the order.
- (2) The date on which waste transfer activities are suspended under the order.
- ~~(3) The acknowledgement number issued to the operator under section 5 of this chapter.~~

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~~(4)~~ (3) If the order applies to a transfer station, the location of the transfer station.

(e) Upon a determination by the commissioner that an operator previously ordered to suspend waste transfer activities may engage again in waste transfer activities, the department shall immediately provide notice by certified mail, return receipt requested, to each:

- (1) regulated solid waste processing facility in Indiana; **and**
- (2) regulated solid waste disposal facility in Indiana; **and**
- ~~(3) broker and transporter that submitted a disclosure statement under section 2 of this chapter;~~

that the operator or transfer station will be allowed to resume waste transfer activities. The notice required under this subsection must contain the date on which the operator or transfer station will be allowed to resume waste transfer activities

SECTION 16. IC 13-20-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) An operator who is not a resident of Indiana or a transfer station may not engage in waste transfer activities while the operator or transfer station is suspended from engaging in waste transfer activities under section ~~3~~ or 4 of this chapter.

(b) On or after the effective date established under a rule adopted by the board, a solid waste disposal facility or a solid waste processing facility located inside Indiana may not knowingly accept municipal waste from a transfer station located inside of or outside of Indiana that receives municipal waste if:

- (1) the municipal waste is not accompanied by a manifest that contains the information required under IC 13-20-4-7; or
- (2) the person who manages the solid waste disposal facility or solid waste processing facility has received notice under section 4(c) of this chapter that:

(A) the transfer station that shipped the municipal waste; or

(B) an operator listed on the manifest;

has been suspended from engaging in waste transfer activities under this chapter.

SECTION 17. IC 13-21-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The requirements of this section:

- (1) are in addition to the requirements set forth in IC 6-1.1-18.5-7(b); **and**
- (2) do not apply to a district that:**
 - (A) owns a landfill;**
 - (B) will use property tax revenue to:**

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(i) construct a new landfill cell; or

(ii) close a landfill cell;

at the landfill; and

(C) has received approval from the county fiscal body of the county in which the landfill is located to construct or close the landfill cell.

(b) To be eligible to include within the district's budget for the following year tax revenue derived from the imposition of a property tax, the first year that a property tax will be imposed and any subsequent year in which the proposed tax levy will increase by five percent (5%) or more, a board must present identical resolutions to each of the county fiscal bodies within the district seeking approval for the use of property tax revenue within the district. The resolution must state the proposed property tax levy and the proposed use of the revenue. The resolution must be stated so that:

(1) a "yes" vote indicates approval of the levy and the proposed use of property tax revenue within the district; and

(2) a "no" vote indicates disapproval of the levy and the proposed use of property tax revenue within the district.

(c) For a resolution described in subsection (b) to be approved by the county fiscal body:

(1) the county fiscal body must record the vote taken on the resolution under subsection (b) before May 1 of the year in which the vote was taken; and

(2) the recorded vote must indicate approval of the use of property tax revenue within the district.

(d) If all of the county fiscal bodies within a district do not record the approval described in subsection (c) before May 1 of the year in which the vote under subsection (b) was taken, the board may not:

(1) impose; or

(2) include within the budget of the board;

a property tax for the year following the year in which the vote was taken.

(e) Notwithstanding subsection (d), after the first year a tax is imposed under this section, the resolution required by subsection (b) for a district that is located in more than two (2) counties need only be approved by a majority of the county fiscal bodies for the counties in which the district is located.

(f) A district may not issue bonds to be repaid, directly or indirectly, with money or property tax revenue of the district until a majority of the members of each of the county fiscal bodies within a district passes a resolution approving the bond issue.

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1 SECTION 18. [EFFECTIVE JULY 1, 2005] (a) For purposes of
 2 this SECTION, "transfer station" has the meaning set forth in
 3 IC 13-11-2-235(a).
 4 (b) 329 IAC 11-9-5 is void to the extent that the rule applies to
 5 transfer stations.
 6 (c) The solid waste management board shall amend 329
 7 IAC 11-9-5 so that the rule is consistent with subsection (b).
 8 SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE
 9 JULY 1, 2005]: IC 13-11-2-210; IC 13-20-6-2; IC 13-20-6-3;
 10 IC 13-20-6-5; IC 13-20-6-6.
 11 SECTION 20. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) "Applicant", for purposes of IC 13-19-4, means an individual, a corporation, a limited liability company, a partnership, or a business association that:

(1) receives, for commercial purposes, solid or hazardous waste generated offsite for storage, treatment, processing, or disposal; and

(2) applies for the issuance ~~renewal~~, or transfer or major ~~modification~~ of a permit described in IC 13-15-1-3 other than a post-closure permit or an emergency permit.

(b) "Applicant", for purposes of IC 13-20-2, means an individual, a corporation, a limited liability company, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(c) For purposes of subsection (a), "applicant" does not include an individual, a corporation, a limited liability company, a partnership, or a business association that:

(1) generates solid or hazardous waste; and

(2) stores, treats, processes, or disposes of the solid or hazardous waste at a site that is:

(A) owned by the individual, corporation, partnership, or business association; and

(B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association.

SECTION 2. IC 13-11-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 206. "Solid waste disposal facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4**, IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

(1) deposited on or beneath the surface of the ground as an intended place of final location; or

(2) incinerated.

SECTION 3. IC 13-19-4-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in section 8(e) of this chapter, this chapter does not apply to:

- (1) an applicant for a transfer stations station permit that holds a permit for and continuously operates; or
 - (2) the transfer of a permit for a transfer station to an applicant that holds a permit for and is operating;
- a transfer station, solid waste disposal facility, or hazardous waste facility in Indiana after December 31, 2004.

(b) Except as provided in section 8(e) of this chapter, this chapter does not apply to:

- (1) an applicant for a permit for a solid waste disposal facility or hazardous waste facility that holds a permit for and continuously operates; or
 - (2) the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating;
- a solid waste disposal facility or hazardous waste facility in Indiana after December 31, 2004."

Page 2, line 20, after "issuance" delete ",".

Page 2, line 20, strike "renewal," and insert "or".

Page 2, line 20, after "transfer" delete ",".

Page 2, line 20, strike "or major modification".

Page 2, line 21, strike "described in IC 13-15-1-3".

Page 2, line 21, delete "to control atomic radiation" and insert "for a solid waste processing facility, solid waste disposal facility, or hazardous waste facility".

Page 3, delete lines 4 through 42.

Page 4, line 8, after "of" insert "the entire".

Page 4, line 8, after "ownership" insert "interest".

Page 4, line 9, delete "to control atomic radiation".

Page 4, line 11, strike "may" and insert "shall".

Page 4, line 17, delete ";" and insert "submitted under subsection (b);".

Page 4, line 21, delete ";" and insert "submitted under subsection (b);".

Page 4, between lines 26 and 27, begin a new paragraph and insert: "(e) If :

(1) subsection (b) does not apply; and

(2) there is a change of at least fifty percent (50%) ownership control of an entity that holds a permit described in IC 13-15-1-3, including an entity referred to in section 1 of this chapter (other than an entity referred to in subsection

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(a));

the entity must, not later than thirty (30) days after the change of ownership control is completed, submit to the department the disclosure statement referred to in subsection (b).

(f) The commissioner:

(1) shall review the disclosure statement submitted under subsection (e); and

(2) may investigate and verify the information set forth in the disclosure statement.

(g) If the commissioner determines:

(1) that:

(A) the information disclosed by the disclosure statement submitted under subsection (e); and

(B) any investigation by the commissioner;

would require the commissioner to deny an application for a permit described in IC 13-15-1-3 if the entity that submits the disclosure statement were applying for a permit under section 2 of this chapter; or

(2) an entity failed to submit to the department a timely disclosure statement under subsection (e);

the commissioner shall revoke any permit described in IC 13-15-1-3 held by the entity.

SECTION 6. IC 13-20-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, a **limited liability company**, or a business association that in its regular business activity:

(1) produces solid waste as a byproduct of or incidental to its regular business activity; and

(2) disposes of the solid waste at a site that is:

(A) owned by the individual, corporation, partnership, **limited liability company**, or business association; and

(B) limited to use by that individual, corporation, partnership, **limited liability company**, or business association for the disposal of solid waste produced by:

(i) that individual, corporation, partnership, **limited liability company**, or business association; or

(ii) a subsidiary of an entity referred to in item (i).

SECTION 7. IC 13-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person that applies for a permit described in ~~IC 13-15-1-3~~ that concerns a **solid waste management facility for a solid waste disposal facility** must demonstrate that there is a local or regional need in Indiana for the

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facility.

SECTION 8. IC 13-20-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A person that applies for a permit referred to in section 2 of this chapter must submit the following information to the department along with the permit application:

- (1) A description of the area that would be served by the solid waste **management disposal** facility.
- (2) A description of existing solid waste management facilities in the area that would be served by the solid waste **management disposal** facility.
- (3) A description of the need that would be fulfilled by constructing the solid waste **management disposal** facility.

SECTION 9. IC 13-20-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If the department determines that there is not a local or regional need in Indiana for the solid waste **management disposal** facility, the person referred to in section 2 of this chapter may not receive a permit described under IC 13-15-1-3 of this chapter. If a permit is denied under this ~~subsection;~~ **section**, the department must provide the person referred to in section 2 of this chapter with a statement describing the reasons the department denied the permit.

SECTION 11. IC 13-20-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(c) A manifest required under subsection (b) must include the following information:

- (1) The amount in tons of municipal waste transported in the vehicle.
- (2) The name and address of the solid waste processing facility from which the municipal waste is transported.
- (3) The destination of the municipal waste.
- (4) The name of the person transporting the municipal waste.
- (5) ~~If the municipal waste is transported from a transfer station that receives municipal waste, the identity of and acknowledgement number issued by the department under IC 13-20-6-5 or IC 13-7-10.5-14 (before its repeal) to the following:~~

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~~(A) The transporter of the municipal waste.~~

~~(B) The transfer station from which the municipal waste is transported.~~

~~(C) A broker involved in the transportation of the municipal waste.~~

(d) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall:

- (1) prepare the manifest required by subsection (b); and
- (2) deliver the manifest to the operator of the vehicle.

(e) The operator of the vehicle shall:

- (1) carry the manifest while transporting the municipal waste; and
- (2) present the manifest to the owner or operator of the facility to which the municipal waste is transported.

(f) The owner or operator of the facility to which the municipal waste is transported shall:

- (1) retain each manifest for one (1) year; and
- (2) send one (1) copy of each manifest to the department not later than three (3) months after receiving a manifest for at least one (1) year.

SECTION 12. IC 13-20-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The commissioner may, by order, do the following:

- (1) Suspend the waste transfer activities of an operator who is not a resident of Indiana if the operator is not properly licensed, certified, or permitted to conduct waste transfer activities in another state in which the operator does business.
- (2) Suspend the waste transfer activities of a transfer station that does not meet the requirements of the inspection program established under section 7 of this chapter.

(b) An order issued by the commissioner under this section requiring an operator or transfer station to suspend operations must contain the date by which waste transfer activities must be suspended.

(c) After issuing an order requiring an operator or transfer station to suspend waste transfer activities but before the date by which the activities must be suspended, the department must provide notice by certified mail, return receipt requested, to the following:

- (1) Each regulated solid waste processing facility in Indiana.
- (2) Each regulated solid waste disposal facility in Indiana.
- ~~(3) Each broker and transporter that has submitted a disclosure statement under section 2 of this chapter.~~

(d) The notice described under subsection (c) must contain the following:

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- (1) The name of the operator or transfer station subject to the order.
- (2) The date on which waste transfer activities are suspended under the order.
- ~~(3) The acknowledgement number issued to the operator under section 5 of this chapter.~~
- ~~(4)~~ (3) If the order applies to a transfer station, the location of the transfer station.

(e) Upon a determination by the commissioner that an operator previously ordered to suspend waste transfer activities may engage again in waste transfer activities, the department shall immediately provide notice by certified mail, return receipt requested, to each:

- (1) regulated solid waste processing facility in Indiana; **and**
- (2) regulated solid waste disposal facility in Indiana; **and**
- ~~(3) broker and transporter that submitted a disclosure statement under section 2 of this chapter;~~

that the operator or transfer station will be allowed to resume waste transfer activities. The notice required under this subsection must contain the date on which the operator or transfer station will be allowed to resume waste transfer activities

SECTION 13. IC 13-20-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) An operator who is not a resident of Indiana or a transfer station may not engage in waste transfer activities while the operator or transfer station is suspended from engaging in waste transfer activities under section ~~3~~ **or** 4 of this chapter.

(b) On or after the effective date established under a rule adopted by the board, a solid waste disposal facility or a solid waste processing facility located inside Indiana may not knowingly accept municipal waste from a transfer station located inside of or outside of Indiana that receives municipal waste if:

- (1) the municipal waste is not accompanied by a manifest that contains the information required under IC 13-20-4-7; or
- (2) the person who manages the solid waste disposal facility or solid waste processing facility has received notice under section 4(c) of this chapter that:
 - (A) the transfer station that shipped the municipal waste; or
 - (B) an operator listed on the manifest;

has been suspended from engaging in waste transfer activities under this chapter.

SECTION 14. [EFFECTIVE JULY 1, 2005] **(a) For purposes of this SECTION:**

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(1) "incinerator" has the meaning set forth in IC 13-11-2-106;
and

(2) "solid waste processing facility" has the meaning set forth
in IC 13-11-2-212.

(b) 329 IAC 11-9-5 is void to the extent that the rule applies to
solid waste processing facilities, except incinerators.

(c) The solid waste management board shall amend 329
IAC 11-9-5 so that the rule is consistent with subsection (b).".

Page 4, delete lines 27 through 42.

Delete page 5.

Page 6, delete lines 1 through 34.

Page 6, line 36, delete "IC 13-20-1." and insert "IC 13-20-6-2;
IC 13-20-6-3; IC 13-20-6-5; IC 13-20-6-6.".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 279 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 279 be amended to read
as follows:

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-212 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 212. (a) "Solid waste
processing facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4,**
IC 13-20-1, IC 13-20-4, and IC 13-20-6, means a facility at which at
least one (1) of the following is located:

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility.
- (7) A garbage grinding system.
- (8) A medical or an infectious waste treatment facility.**
- (9) A solid waste solidification facility that is not located on a
landfill.**

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(10) A facility that uses plasma arc or another source of heat to treat solid waste.

(b) The term does not include a facility or operation that generates solid waste."

Page 5, line 13, after "disposal facility" insert "**or a solid waste processing facility, except a transfer station,**".

Renumber all SECTIONS consecutively.

(Reference is to SB 279 as printed February 23, 2005.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 279, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-11-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state examiner shall require from every municipality and every state or local governmental unit, entity, or instrumentality financial reports covering the full period of each fiscal year. Except as provided by subsection (b), these reports shall be prepared, verified, and filed with the state examiner ~~within~~ **not later than** thirty (30) days after the close of each fiscal year.

(b) The following shall prepare, verify, and file the reports required under subsection (a) not later than sixty (60) days after the ~~end~~ **close** of each **fiscal** year:

(1) A municipal government.

(2) A public library.

(3) A district (as defined in IC 13-11-2-58(a)) that owns a landfill (as defined in IC 13-11-2-116(c))."

Page 1, line 8, after "issuance" insert ",".

Page 1, line 8, after "renewal," delete "or".

Page 1, line 8, after "transfer" insert ",".

Page 1, line 8, reset in roman "or major".

Page 1, line 9, reset in roman "modification".

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-41 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:
 Sec. 41. (a) "Construction\demolition waste", for purposes of
IC 13-19-3-9 and IC 13-20-21, means:

- (1) bricks;
- (2) concrete;
- (3) stone;
- (4) glass;
- (5) wallboard;
- (6) lumber;
- (7) roofing materials; and
- (8) any other items;

affixed to a structure that is being constructed or demolished and being
 disposed of at a waste disposal facility.

(b) The term includes the following:

- (1) Plumbing fixtures.
- (2) Wiring.
- (3) Nonasbestos insulation.
- (4) Other items approved by the department."

Page 2, between lines 35 and 36, begin a new paragraph and insert:
 "SECTION 7. IC 13-19-3-9 IS ADDED TO THE INDIANA CODE
 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 9. (a) This section does
 not apply to an expansion of a solid waste landfill:**

- (1) that only accepts construction\demolition waste; and**
- (2) for which a construction\demolition waste permit was
 issued before January 1, 2005.**

**(b) A solid waste landfill that only accepts
 construction\demolition waste shall comply with setback
 requirements concerning public schools established by the board
 under 329 IAC 10-16-11 for municipal solid waste landfills."**

Page 3, line 6, after "applicant for" insert "**the renewal of**".

Page 3, line 15, after "issuance" insert ",".

Page 3, line 15, after "renewal," delete "or".

Page 3, line 15, after "transfer" insert ",".

Page 3, line 15, reset in roman "or major modification".

Page 8, between lines 32 and 33, begin a new paragraph and insert:
 "SECTION 18. IC 13-21-3-16 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The
 requirements of this section:

- (1) are in addition to the requirements set forth in
 IC 6-1.1-18.5-7(b); and**
- (2) do not apply to a district that:**

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- (A) owns a landfill;**
- (B) will use property tax revenue to:**
 - (i) construct a new landfill cell; or**
 - (ii) close a landfill cell;**
- at the landfill; and**
- (C) has received approval from the county fiscal body of the county in which the landfill is located to construct or close the landfill cell.**

(b) To be eligible to include within the district's budget for the following year tax revenue derived from the imposition of a property tax, the first year that a property tax will be imposed and any subsequent year in which the proposed tax levy will increase by five percent (5%) or more, a board must present identical resolutions to each of the county fiscal bodies within the district seeking approval for the use of property tax revenue within the district. The resolution must state the proposed property tax levy and the proposed use of the revenue. The resolution must be stated so that:

- (1) a "yes" vote indicates approval of the levy and the proposed use of property tax revenue within the district; and
- (2) a "no" vote indicates disapproval of the levy and the proposed use of property tax revenue within the district.

(c) For a resolution described in subsection (b) to be approved by the county fiscal body:

- (1) the county fiscal body must record the vote taken on the resolution under subsection (b) before May 1 of the year in which the vote was taken; and
- (2) the recorded vote must indicate approval of the use of property tax revenue within the district.

(d) If all of the county fiscal bodies within a district do not record the approval described in subsection (c) before May 1 of the year in which the vote under subsection (b) was taken, the board may not:

- (1) impose; or
- (2) include within the budget of the board;

a property tax for the year following the year in which the vote was taken.

(e) Notwithstanding subsection (d), after the first year a tax is imposed under this section, the resolution required by subsection (b) for a district that is located in more than two (2) counties need only be approved by a majority of the county fiscal bodies for the counties in which the district is located.

(f) A district may not issue bonds to be repaid, directly or indirectly, with money or property tax revenue of the district until a majority of

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the members of each of the county fiscal bodies within a district passes a resolution approving the bond issue."

Page 8, line 34, delete ":" and insert ", **"transfer station" has the meaning set forth in IC 13-11-2-235(a).**".

Page 8, delete lines 35 through 38.

Page 8, line 39, after "applies to" insert **"transfer stations."**

Page 8, delete line 40.

Page 9, after line 3, begin a new paragraph and insert:

"SECTION 18. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 279 as reprinted March 1, 2005.)

WOLKINS, Chair

Committee Vote: yeas 12, nays 0.

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